

PEACE OR WAR?

OR

THOUGHTS

ON

OUR AFFAIRS WITH ENGLAND.

BY JAMES CHEETHAM.

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PEACE OR WAR?

THE President's message, neither warlike nor pacific, unavoidably leaves us, as it found us, in a state of incertitude, as to our differences with England.

Nor is it (for it could not be) more satisfactory with regard to the most prominent feature in the misunderstanding which now interrupts the harmony of the two nations.

Adverting to the project of the commercial treaty between the United States and Great Britain, which with sufficient cause the President peremptorily, and without referring it to the Senate, rejected, the message says—

“Some of the articles proposed might have been admitted on a principal of compromise, but others were too highly disadvantageous ; and *no sufficient provision was made against the PRINCIPAL SOURCE of the irritations and collisions which were constantly endangering the peace of the two nations.*”

I understand this *principal source* of irritations and collisions to be *the mustering of our crews, and the impressing of such of our seamen on board our mer-*

chant ships, as the visiting power chuses to denominate British ; which Great Britain claims as a right, but which we resist as a wrong. Let us examine the claim.

The practice of searching neutral merchant-ships at all, has no foundation in *right* : it is dictated by belligerent convenience, and enforced by power.

All writers on the maritime code lay it down as an incontestible principle of primitive and universal law, that the SEA is the common of all nations ; no one possessing exclusive or superior jurisdiction over it, but all having, whether great or small, strong or weak, an equal right to an equal participation in its advantages, without hindrance from any. Whence, then, seeing that if all nations were always at peace, interruptions upon the ocean could not of right happen, do belligerent parties derive the custom of stopping and searching upon the high seas neutral merchant ships ? Not, as is evident, from the universal law, which forbids molestation ; which in the nature of things is inherent and unchangeable ; which is the same in China and in England, in France and in the United States, and to which nations may at all times recur ; but from circumstances adventitious and extrinsic ; from submission, dictated by weakness on the one side, and from assumption, prompted by power and pillage on the other. Such is the foundation of the *conventional* law, which it is admitted exists, and by which belligerents exercise tyranny over neutrals.

But although the conventional law, imposed upon the world for the advantage of warring powers, authorises search, I know of no writer on the law of nations, and I venture to say that there is not one, who extends it to the *crew of a neutral merchant-ship*.

“ A belligerent power has a right, even on a free sea, to bring a neutral vessel to, and insist on a proof of her *neutrality*.” Martens, p. 319.

What neutrality ? he himself states.

“ A power at war,” he observes, “ having a right to hinder its enemy from reinforcing itself by the reception of *warlike stores*, necessity may authorise it to prevent merchandise of *this kind* from being conveyed to the enemy by a neutral power”—p. 317.

The right of search is by Martens expressly limited to *contraband of war*, carried by a neutral to the enemy of the visiting power.

The celebrated Azuni, who, writing under the patronage of the emperor Napoleon, has, on this subject, carried his ideas farther than any other writer on maritime law, confines the right of search to enemies, on board a neutral merchant-ship, who are actually in the service of the enemy ; to enemies' goods, and to *contraband of war*.

“ The conventional law of Europe, in authorising belligerents to prevent neutrals from carrying goods *contra band of war* to an enemy, to capture the vessels of enemies, and even to seize those under a

"neutral flag, must also have given the power of
 "using all the means best adapted to facilitate the
 "exercise of their rights."

"No means are more efficacious for this purpose,
 "than to stop and search vessels on the high seas.
 "This proceeding is commenced by giving a signal
 "to approach with a speaking trumpet, or by firing
 "cannon loaded with powder only." "Neutrals, on
 "their part, ought to permit this lawful and custo-
 "mary proceeding, and furnish to belligerents all the
 "proofs which they have a well founded right to re-
 "quire by force." "Since it has *no other object in*
 "*view* than to ascertain the neutrality announced by
 "the flag, and the *innocence of the cargo*, or that no
 "*contraband goods*, or goods *belonging to enemies*,
 "are on board." Johnson's Azuni, Vol. II. p. 201,
 2, 6, 7.

But in exercising this conventional right of search, England has, in relation to us, and I believe to us only, transcended all the rules laid down by all the writers on maritime law. From searching for contraband of war, for enemies, actually in the service of the enemy, and for enemies' property, she has proceeded, in the presence of their vexed commanders, to muster the crews of our merchant-ships, to subject them to humiliating examinations, and to take of them by force those whom the visiting officer has, in the wantonness of fancy, or assurance of fact, denominated "British subjects." This is that "*principal source* of irritations and collisions" to which the message alludes; it was so under the administration

of General Washington, and it has been so from the beginning of the war with France in 1793 to the present moment. To this flagrant and enormous violation of our flag, we have hitherto submitted with a patience of which no equal can be found in the history of suffering nations.

These irritating assemblages and wrongful impressments are claimed and exercised by Great Britain on board our neutral merchant-ships, in violation of natural right and national law. England founds the right, for so she terms it, on the assumed and slavish doctrine of indissoluble and perpetual allegiance, as if expatriation, change of country, and therefore of allegiance, is not as ancient, and will not be as immortal as man and government. Blackstone, the oracle of English law, thus sums up the doctrine of non-expatriation.

“An Englishman, who removes to France or to China, owes the same allegiance to the king of England there as at home, and twenty years hence as well as now.” Tucker’s Blackstone, Vol. I. part 2, p. 369.

He may by the laws of England, operating within her own limits and jurisdiction, owe such allegiance, but when, without her limits and jurisdiction, those laws clash with the laws of another state, equally sovereign and independent, the misunderstanding which may from thence arise between the two nations, is to be settled, not by the laws of England operating coercively on those of the United States,

nor by the laws of the United States operating coercively on those of England, but by a third power, an impartial and competent umpire—the *law of nations*.

On this point, Vattel, who deservedly ranks among the first of the elementary writers, is full, explicit, and clear. Speaking of a man's *country*, he says—

“The term *country* seems to be very well understood by every body. However, as it is taken in different senses, it may not be useless to give it here an exact definition. It commonly signifies *the state of which one is a member*; and in this sense we have used it in the preceding paragraphs, and *it ought to be thus understood in the LAW OF NATIONS*.

“In a more confined sense, and more agreeably to its etymology, this term signifies the state, or even more particularly, the town or place, where our parents lived at the moment of our birth. In this sense it is justly said that our country cannot be changed, and always remains the same, to whatsoever place we remove afterwards. But, *as several lawful reasons may oblige him to choose another country*, that is, to become a member of another society, so when we speak in general of the duty to our country, we ought to understand by this term, *the state of which a man is an actual member, since it is that to which he owes it entirely, and in preference to all others.*” Vattel, New-York edition, p. 113.

A British-born subject then may, according to the law of nations, if not to the laws of England, *lawfully* leave his country, throw off his natural allegiance, and become a member of another society; to which, having so become a member, he owes entire allegiance. It is upon this principle of natural right and national law, that our naturalization act stands.

And Great Britain recognises the same principle when it favours herself, although she disallows it when it operates against her. She acknowledges the right of expatriation from other nations to herself, but denies it from herself to other nations! *Her own laws*, bottomed, in this regard, upon the law of nations, naturalizes the subjects of other countries, and her force protects them when they are naturalized. Blackstone says—"Every *foreign* seaman, who in "the time of war serves two years on board an English ship, is *ipso facto* NATURALIZED," "and all "foreign protestants who shall have been three years "employed in the whale-fishery, shall be *naturalized* "to all intents and purposes as if they had been BORN "WITHIN THIS KINGDOM."—Tucker's Blackstone, Vol. I. part 2, p. 375, 6.

Sufficient, perhaps, has been said to establish the fact, which no man it seems to me can either misconceive or resist, that by the laws of England, as well as by the law of nations, the rights of expatriation and adoption are complete. With, therefore, a very few additional sentences in illustration of the

great wrong committed by Great Britain, and for many years, murmuringly indeed, suffered by us, I will take my leave of this branch of the subject.

If the naval officers of Great Britain were to step upon our shore ; to come, for example, into this city, assemble our citizens, examine who among them were, in the opinion or according to the caprice of the visiting officer, British subjects, and to take away by force such as they pronounced to be so, every man with his eyes open, would see the outrage, and instantly and with effect resist it. In this assertion I am not mistaken. There could in such a case be no variety of opinion, no difference of feeling.

And why would this be an outrage ? Can any other answer be given than because it would be a barefaced violation of our sovereignty, which protects alike, within its limits, the alien and the citizen.

Now it is a first principle in municipal and national law, a principle which has never been either denied or questioned, even by Great Britain herself, that a merchant-ship is in law and fact, and to all intents and purposes, a part of the sovereignty and territory of the nation to which she belongs. What difference then is there in point of right, between mustering the crew on the deck of a merchant-ship for inquisition and impressment, and assembling our citizens on shore for the same purposes ? There is none. The conventional right of search, for contraband of war ; for enemies, and for enemies' proper-

ty, to which it is limited, does not include the insult of mustering the crew of the neutral merchant-ship, and the wrong of taking away her sailors by force.

But although the practice of England, every day becoming more oppressive, is justifiable cause of war, yet the President, administering the government as far as he consistently can according to the opinions and wishes of the people, was willing to continue the long protracted negotiation on the subject of impressments.

"Still anxious," he says, in his late message, "not to close the door against friendly adjustment, new modifications were framed, and *further concessions* authorised, than could before* have been supposed necessary: and our ministers were instructed to resume their negotiations on these grounds."

On what points of difference *further concessions* were authorised, we are not exactly told, although I think it is obvious enough, from the sentences in the message immediately preceding the passage just cited, that they have no reference to the merely commercial stipulations of the rejected treaty. "Some of the articles proposed," the President observes, "might have been admitted on a principle of *compromise*; but others were *too highly disadvantageous*." There could have been no need of concession in the instance of the articles which, on a principle of compromise, to which

* Before the project of the commercial treaty was returned to England.

the President seems to have been disposed, were admissible ; and surely concessions were not authorised in the other case ; that in which the stipulations were "*too highly disadvantageous.*" We are therefore unavoidably led to the conclusion that the authorised concessions relate to impressments only.

And how has this pacific temper, this spirit of compromise and concession, so agreeable, it would seem, to the opinions of our citizens, been met : I will not yet say by the government of England, but by the Admiral commanding her naval forces on the Halifax station ? I pass over without comment, as having been somehow settled, *but no one can tell how*, the murder of PIERCE, a citizen of the United States, by captain Whitby, of the *Leander*, within, as testified by all our witnesses, our territorial limits ; for which no reparation has been made, no satisfaction rendered ; not even that of knowing the evidence on which Whitby was *honourably* acquitted of the foul deed. How, I repeat, was this great inclination to peace on the part of the President met by Admiral Berkeley, who may have had instructions from his government to proceed as he did ? As if to try how deep we could sink in the abyss of humiliation and suffering, a fresh outrage was committed, one which, although not differing in principle from the mustering and impressing of the crews of our merchant-ships, electrified our feelings, brought harmoniously together jarring and dissonant parties, and excited in all an ardent desire to end by a noble re-

sistance the regularly ascending and multiplied wrongs which we had suffered from the navy of England. The reader will perceive that I allude to the attack made on the Chesapeake by the Leopard.

Admiral Berkeley's instructions to Humphries, commander of the Leopard, a 50 gun ship, directed him to bring to out of the limits of the United States, the Chesapeake, one of our national ships, of 44 guns, commanded by Commodore Barron, and to search her for men alleged to be British sailors, and deserters from the force on the Halifax station. In case search was refused, the instructions directed the employment of force. The Chesapeake was accordingly brought to, and search demanded, but not complied with. Upon the refusal, the Leopard poured several broadsides into the Chesapeake without meeting with the least resistance! Having with coolness, but inactively, stood on the quarter-deck while the Leopard discharged her broadsides, Commodore Barron struck his colours, when the Leopard ceasing to fire, boarded the Chesapeake mustered her crew, and took from it four men alleged by the visiting officer to be British subjects.

This great outrage, committed upon an armed ship of a nation at peace with England, is unattended by a single circumstance of palliation.

It is, however, urged by the apologists of the aggression in Boston, where, and where alone, they seem to be numerous, and as clamorous as they are numerous, and particularly by the anonymous author of

the pamphlet under the signature of a "Yankee Farmer," that the sailors, not those who were actually taken from the Chesapeake by force, but those who were erroneously supposed to be on board when the force was employed, were

1. British subjects.
2. Deserters from the British fleet on the station.
3. That our government knew that they were British subjects and deserters.

4. That the British minister applied to our government for the men, who replied that they had on a former occasion stated their reasons for not complying with the request, and that moreover, the men were Americans. From these assumptions the "Yankee Farmer" infers, that the outrage was provoked by the improper conduct of our government.

I will not detain the reader by a recapitulation of the conclusive evidence recently published by our government, that the men forcibly taken from the Chesapeake were *Americans*, for although the proof might add to the strength of the case on our part, by aggravating the consummate insolence and turpitude of the attack, yet since the outrage is precisely the same on national principles and national law whether the men were British subjects or American citizens, deserters or not, I will argue the point on the positions assumed by the Boston apologists, that the men were British subjects and deserters.

A national armed ship of a neutral country is, by the primitive and universal law, and by the universal

usages of nations, exempt from search ; and the reason is obvious. She is allowed to be, from her connexion with government, without the compass of those conventional rules which authorise the search of a neutral *merchant-ship*. There cannot be a presumption that she is a dealer in *merchandise* ; that she carries to the enemy *contraband of war* ; that she conceals the enemy, or the property of the enemy. The honour of the government is tacitly pledged, and the pledge is received with the fullest assurance by all belligerent nations, that in a national ship, none of the causes exists which subject neutrals to search. The person of a British subject and deserter on board a national neutral frigate, or on board a neutral merchant-ship, is inviolable, and no more subject, by the law of nations, to be taken away from either by *force*, than from neutral land ; and no one pretends that British officers have a *right* to come into our city and take by *force* their subjects and deserters. The character of the outrage committed on the Chesapeake, is therefore not varied by admitting that the men forcibly taken from her were British subjects and deserters. The fact that desertion, if not timely and rigorously checked, may ruin the British fleet, is one for the consideration of England alone, and she may therefore look to it ; but although it be a self-evident truth, it does not follow that in the adoption and pursuit of preventive measures, she may of right and with impunity commit violence on the rights of other nations.

Having disposed of so much of the argument of right as is deemed sufficient, we will turn to that of expediency ; I mean the expediency of surrendering the men said to have been claimed of our government by the British minister, as British subjects and deserters ; premising, however, that in receiving them into our service, it was perfectly optional with our government and its officers, to inquire, or not to inquire, whether they were under any obligation to serve another power ? I would go farther and say, that with entire knowledge that they were under such obligations, our *right* to accept of their voluntary engagements, was perfect. Courtesy towards a *friendly* nation might prescribe another course ; might, indeed, have induced our government to wave the exercise of the *right*, and reject applications for employment from such persons ; but *courtesy* may be dispensed with. I beg the reader not to forget, and that he may not, I here repeat, that in what I have said and may hereafter say on this point, I admit, contrary to the testimony published by our government, and my own convictions, that the men said to have been claimed by the British minister, were British subjects and deserters.

A question of expediency is always a question of option. In requesting the surrender of the men, the British minister requested a *favour*. Whether, under the then existing circumstances of the two nations, it was politic to give them up, our government was the best judge. It judged, if the "Yan-

kee Farmer" be correct in his surmises, that it was not, and I think that it judged wisely.

What was our condition? The treaty of 1795, generally known as Mr. Jay's treaty, had expired, and we were negotiating for a new one upon grounds mutually beneficial to the two nations, but, as it now appears from the President's message, not with very flattering prospects of success. In this state of treaty-disconnexion, England continued to heap upon us insult upon insult and wrong upon wrong, without manifesting a becoming disposition to do us justice in a single instance. Surely, under circumstances like these, it was the business of our government to do all that it could consistently with its neutral character to force England into such a commercial treaty as we had a right to expect. And if to refuse to give up deserters from the British squadron on our coast, was to distress England, who will say that it was not wise in the President thus to make her sensible how necessary it was to come to reasonable terms of accommodation with us? England had no treaty-*right* to a surrender of the men, and she certainly had no claim to *favour*.

But "nations feel power and forget right." England, as we see, could not of *right* claim the men, but she had *force*, and Berkeley thought fit to use it in a way most insulting and offensive.

The attack committed on the Chesapeake was an *unjustifiable act of war*. If made by the direction or

with the connivance of the government of England, then, the moment that the fact is officially ascertained, negotiation should cease, our ministers withdraw from the court of St. James, and our government prepare, actively and vigorously prepare, to redress by arms our own wrongs; but if the outrage was committed contrary to the orders and *intention* of the British government, ample reparation is not only due to us, but, that the British government may maintain a due authority over its own officers, it should be promptly and cheerfully rendered. Of what the reparation should consist, our government, to whom is confided the great charge of preserving the honour and the interests of the nation, can best determine; but it cannot be less than an unequivocal disavowal of the right of searching our national ships, under any pretence whatever; a restoration of the men, as far as they can be restored, taken from the Chesapeake, and the cashiering of Admiral Berkeley. Until this be done, and it ought to be done quickly, the other points of difference between the two nations should remain unnoticed. Full atonement is an indispensable preliminary to all other discussions.

On the supposition that such atonement will be made, Congress will determine whether, on the other fruitful source of irritation and misunderstanding—the impressing of the crews of our merchant-ships—it be *expedient* to involve the country in the calamities of war. I should question the expediency,

although I have no doubt of the right. On a subject like this, mutual compromises and concessions* are admissible. Such was the opinion of the President, who but a few months before the affair of the Chesapeake, directed, as he informs us in his message, a continuance of our negotiations. Where the honour of a country, the greatest treasure in a nation's care, is not, as in this case, directly and greatly involved, nor its interests materially affected, it would be little less than madness to plunge us headlong into war. I would not, like the Parisian orator of the revolution, destroy the world to save a principle, for the principle itself might not greatly conduce to our welfare; but to preserve our honour, perpetuate our national independence, promote our happiness, and increase our glory, he who would hesitate to risk his all, would live without envy and die without regret.

I would not, therefore, shrink from war for the calamities which it inflicts, for war is not the greatest evil which a nation can suffer. The loss of freedom, whether by domestic usurpation or foreign dominion, is infinitely greater. The "pomp and circumstance" of glorious war," are, indeed, accompanied by a lamentable decay of morals, by weeping widows, by

* In reference to the United States, concessions are mentioned on the presumption that our executive has claimed of the British government an *unconditional relinquishment of impressments from the crews of our merchant-ships*. Perhaps, on this subject, the two governments may meet each other half way.

helpless children, and by a never-failing increase of debt and taxes ; but what evil is so great, what pang so acute, as that which is inflicted by perpetual chains ?

But I would avoid war, for its great and innumerable evils, where, as in the case in question, the object to be accomplished by it is beyond all comparison less valuable, whether considered in its immediate or its latent effects, than the preservation of peace.

We have, however, from war, if congress, after deliberating wisely on the subject, should determine for it, nothing extraordinary to fear. We are a young, vigorous, populous, active, and enterprising nation. Within, although assailable at some points on our extensive coast, we may, when necessary, bid defiance to European power and prowess.

But peace is, undoubtedly, if peace can be maintained upon terms compatible with our honour, the substantial interest of the United States.

What have twenty years of peace and government made us ?

A nation powerful in population, great in enterprize, rich in all that constitutes national riches ; a nation which, protesting against whatever may wear the aspect of flattery, is truly the admiration if not the envy of the world. From being some thirty years since the colonies, we have become, as if by enchantment, the successful rival of the greatest commercial nation on earth.

And this rapid and unexampled progress, made, indeed, in twenty years, assures us, with peace, of that great point in national power and wealth, of that distinguishing elevation of the UNITED STATES, that overtopping of all other nations, to which we are destined. Having done so much in a time so short, and beginning with a population of not more than three millions, what may we not anticipate from a twenty years continuance of peace ?

Our own internal means, and the relations and policy of England and France, will throw into our hands, unless we are determined to reject, an almost complete and permanent monopoly of the commerce of the world.

Peace between those warring nations cannot be of long continuance. While *they* are dissipating their strength and wasting their blood in mutual struggles for mutual destruction, *we* should play the part of the sagacious and industrious bee ; we should suck the honey from the lily and the rose, and come home loaded with the riches.

At peace, France will turn her attention to the acquisition of " ships, colonies, and commerce."* Can she do so without alarming England ? Colonies and commerce, according to European policy, must be protected by a military fleet. The progress of a French military fleet will be jealously watched by the British government ; and when by its growth it shall have become, or threatens to become menacing to

* Is *Louisiana* to be one of the intended colonies ?

the safety of England, it will be attacked and demolished. This policy and war are inevitable, unless, in time of peace, France will relinquish, and she will not, ships, colonies, and commerce. In all future wars between France and England, *during the life of Napoleon*, the European continent, probably without exception, will be involved.

We must then, perhaps sixty of every one hundred years, if we can preserve peace during the conflicts of the two nations, be the great carrier of the commerce of the world; and our industry and resources, every day increasing, will enable us to be so to the gratification of our utmost hopes.

Look back to our small beginning, view our present situation, and contemplate, by comparison, our future prospects. We can do so agreeably by recurring to the progress of our revenue, which has increased with the increase of our population and industry, and in which we see our infant state pleasingly and gradually advancing from creeping to walking, and from walking to the fullest speed of manhood.

From the establishment of the present government in March, 1789, to Dec.

31, 1791, the duties on imports and

tonnage amounted to \$4,399,000,

yielding an annual average of about \$2,000,000

In 1792, the duties on imports and ton-

nage were

3,579,000

In 1793,

4,344,000

In 1794,

4,843,000

In 1795,	5,522,000
In 1796,	5,710,000
In 1801, about	10,000,000
In 1805, more than	12,000,000
(exclusive of the Mediterranean fund.)	

And now the President tells us in his message, that the receipts in the treasury for the year 1806, amount to 816,000,000, of which it is probable that merchandize and tonnage have yielded 14,000,000

Some additional duty and rates has been laid, but nothing worth noticing in viewing the vast increase of revenue from those sources.

In ten years, namely, from 1796, to 1806, the revenue from the two sources has increased, we may safely say, nearly a hundred per cent; and the increase of population during the same time has been fifty per cent.

What would ten years more of tranquillity give us in population and revenue? What a boundless and delightful prospect does a continued peace open to our view! The present situation of Europe, or any other which may take place; an European peace, could but little, if at all, affect the increase of our population by new acquisitions from abroad; and it could not very sensibly vary the revenue derived from the two sources mentioned.

Turn to the excellent application by our government, of this increased revenue.

The war of the Revolution incurred a debt [funded] of	869,740,366	27
Increase of the debt from 1790 to 1800,*	9,462,264	88

Amount of the public debt when the present administration came into power,*	79,202,631	15
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Extinguished of the <i>principal</i> of the funded debt by the present administration,†	25,500,000	
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And there is now in the treasury unappropriated,†	8,500,000	
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Who then, unless to revenge a great national outrage, like that committed on the Chesapeake, although right as to impressments is with us, would change our peaceful and prosperous state for the demoralizing and destructive one of war?

But, if we are to have war, let it be a vigorous, a hearty, an effectual war.

“ In peace, there’s nothing so becomes a man
 “ As modest stillness, and humility ;
 “ But when the blast of war blows in our ears,
 “ Then imitate the action of the tyger.”

SHAKESPEARE.

Our internal resources, untouched, are equal to any emergency, and the credit of government has no limit but its own will. We are a rich mine, from which nothing has been extracted, but from which all

* Gallatin on Finance.

† President’s Message.

that we want may be drawn. We have *no internal taxes*. For that reason we can better bear, and will with the utmost cheerfulness pay, whatever the exigencies of the government may require. While England, while all Europe, is gasping beneath the weight of enormous burdens, it is our felicity alone to be exempt from direct taxation.

I have elsewhere said, that the first six months of the war, if terrible at all, would be most terrible to us. The policy of England is to make war, and then to declare it. Our merchants would most sensibly feel an embargo in British ports, and the sensation would momentarily tingle through every nerve of the state. Our commerce, in a war with a naval power so formidable, although not wholly stopped, would be materially interrupted. But, besides embargoing our ships in her ports, and interrupting our commerce on the ocean, could England essentially affect us?

The ravages of the revolutionary war, are the last she will commit in the *interior* of our country. Fifty thousand of her veteran troops landed on our shores, would, barring a precipitate retreat, immediately *rest from their labours*. She has nothing to hope from the interior. She would not obtrude a soldier on our soil, except in some sequestered part of our shore, where paucity of inhabitants might give impunity to plunder.

But, in one or two of our sea-ports, she might give us some trouble, although she could not land.

The first duty of a state, to which, however, Con-

gress has paid but little attention, is to place itself in a state of safety against attacks from without. I will not stoop to answer the stupid remark, which, unaccompanied by any thing like argument, has been a thousand times repeated, that we cannot, by any system of defence, protect a coast of two thousand miles in extent. We can, if Congress will afford us the means, defend New-York, the commercial metropolis of the Union, and the depot of the great wealth of this state, against all the efforts of the British navy. In like manner, Charleston and Norfolk, and all the other ports in the Union, may be placed in such a state of defence as will enable their intrepid inhabitants to save themselves, and in saving themselves, save the honour of their country.

Still, neglected as we have been, we are prepared to repel aggression. The British fleet might injure us, but it could gain no advantage.

Such is the utmost extent to which Great Britain could carry on a war against us. Within, we should be tranquil, and without, although our commerce would be interrupted on the ocean, that of England would not be unvexed.

For the expenses of the war, we might partially compensate ourselves by the capture of Nova Scotia and the Canadas; and the conquest would give us but little trouble. Quebec, separated from the circumjacent country, which we can easily possess and hold, must ultimately fall without a blow.

Such a conquest is desirable. It would be greatly advantageous to us, and essentially injure England.

It would be advantageous to us in reference to the Indians, who now excited to unfriendly acts by the British government or by British traders, would be peaceful neighbours ; gradually forsake their savage customs, turn their attention to agriculture, and become civilized. It seems to be the policy of the trade and government of England, to make the savages, if possible, more savage.

Driven from Nova Scotia and the Canadas, England could have no pretence, during her wars with her European neighbours, for stationing on our coast a large naval force.

The fur trade of those places would be acceptable. We are now under the necessity of importing from England, beaver and other furs for our own consumption.

But, without enumerating the many benefits we should derive from the capture of the British possessions, the loss of them to England would be irreparable. If the opinion of ODDY be correct, it would *menace the existence of the British navy*.

From this celebrated author, who first published his great commercial work in London in 1805, dedicated to the "lords of the committee of the privy council, appointed for the consideration of all matters relating to trade and foreign plantations," the succeeding passages are copied from pages 540 and 41. Quarto Ed. Lond.

"The high prices we are paying for timber, in the countries around the Baltic, is not because they conceive us totally dependent upon them for the

“ article, but because their stocks are so greatly di-
 “ minished as to cause a want amongst themselves,
 “ which we have seen by the conduct of Russia ; the
 “ price consequently is advanced. To this is to be ad-
 “ ded the heavier expense in bringing it from remote
 “ quarters, distant from inland navigation ; so that, if
 “ our demand continues as it has done, for a few
 “ years, we shall scarcely receive any but at so high a
 “ price that we must of necessity resort elsewhere.
 “ It is a happy circumstance for this country, that
 “ we have a sufficient supply in our American pos-
 “ sessions, which the interest of individuals will now
 “ bring forth : the beginning is made, and the im-
 “ portation from thence greatly increasing every
 “ year. The high price we pay for what we import
 “ from the Baltic, the carrying it to our own ports in
 “ their ships, and the duties paid here on foreign
 “ timber, and none from our own possessions, are
 “ considerations for the merchants and ship-owners,
 “ which make this an object of material importance.
 “ This we shall more particularly describe under the
 “ head of shipping ; so that the result is, that we
 “ can now supply ourselves cheaper, from our own
 “ possessions in America, than we can from the
 “ Baltic.

“ The British colonies in North America, of great-
 “ est extent, are Upper and Lower Canada, New
 “ Brunswick and Nova Scotia, which are but thinly
 “ inhabited, particularly New Brunswick. They
 “ are covered with immense forests of trees, the

“ greater part of which are pine ; the sort of wood
 “ in most general use.

“ These provinces, from the straits of Belisle to
 “ the bay, which separates them from the state of
 “ Massachusetts, are intersected with bays and in-
 “ lets of the sea, navigable rivers and branches for
 “ small craft, and for rafting and floating down tim-
 “ ber. The whole coast, from Casco bay to the
 “ above-mentioned straits, is lined with harbours,
 “ where vessels of any size may load in safety ;
 “ some of which are spacious enough to contain all
 “ the navy of Great Britain.

“ Among other navigable rivers we may mention
 “ the St. Lawrence, in Canada ; the St. John, Mi-
 “ ramichi, and St. Croix, in New Brunswick ; Pic-
 “ tou, La Have, and Annapolis, in Nova Scotia ;
 “ from all of which quantities of timber have been,
 “ and may be exported to Great Britain.

“ In the state of Massachusetts, particularly
 “ the district known by the name of the province
 “ of Main, which includes the country from Casco
 “ bay to the British lines at Passamaquoddy, are
 “ many large navigable rivers, and a great extent
 “ of country covered with wood. The ports hi-
 “ therto most frequented in that district are, Wis-
 “ casset, Penobscot, Portland, Machiers, and
 “ Frenchman’s bay, but there are many more har-
 “ bours of less repute, where ships of burden may
 “ load in safety.

“ The principal ports in Nova Scotia for loading
 “ timber, are, Pictou, Guysbourg and La Have.

“The former is situated within the Gut of Cunso,
 “south of Prince Edward, formerly St. John’s Isl-
 “and, and of course is shut after the frost sets in,
 “and not open in general before April or May.

“There has been a considerable quantity of tim-
 “ber exported of late from this river ; but the size
 “of the pines is not so large, nor is there so great
 “an extent of interior as in Canada or New Bruns-
 “wick.

“Guysbourg is in Chadebucts bay, without the
 “Gut of Cunso ; but being few settlers in the neigh-
 “bourhood, there has not been much timber ex-
 “ported from it. La Have is a few leagues to the
 “westward of Halifax harbour, and is accessible at
 “all seasons. But the rivers St. John, Miramichi,
 “and St. Croix, in New Brunswick, are navigable,
 “some of them 100 miles, and furnish the greatest
 “quantities of pine, and other timber for the British
 “market.”*

* Oddy pays to the United States many constrained compli-
 ments. He says, pages 602 and 605 :—“When then our
 “existence, as a great and powerful nation, depends upon
 “our navy, and when our shipping is the nursery for that
 “navy, every protection and facility should be given to pro-
 “mote it ; every restraint or burthen to discourage it should
 “be done away. It is a floating, insecure property of indivi-
 “duals, always precarious and liable to loss ; it therefore re-
 “quires the fostering aid of government, when we have near
 “us, at home, competitors like the northern nations ; and
 “across the Atlantic, the Americans, whose enterprising spirit
 “and vigilance is making head in a more formidable manner
 “than we are aware ; but her example is worthy of our imita-
 “tion.

If it be true, and why should we doubt it? that the high price paid for timber in the countries around the Baltic, is because their *stocks are so greatly diminished as to cause a want among themselves*, it is, indeed, as Mr. Oddy remarks, a *happy circumstance for England, that she has a sufficient supply in her American possessions*; but how *unhappy* would it be for her if her conduct should *compel the United States to DEPRIVE HER OF IT!* If England does not already know, it may be well to inform her, that the state of Vermont alone, in which the brave GEN.

" This country has more to fear from America supplanting our shipping, than to apprehend from the shipping of all Europe. It is in the north of this quarter of the globe that the chief materials for ship-building are to be had reasonable, and in abundance.

" Then look to America, behold her situation, and the flattering prospects she has in view; prospects, indeed, which call forth all our wisdom, energy, and good management. We should look at home, to adopt those measures which can secure the extension of our own shipping. In no more than ten years, the shipping of America has increased equal to the whole aggregate tonnage of the northern states of the continent of Europe.

" The Americans are an active, enterprising, spirited, and commercial people; the political situation of Europe has given them advantages throughout the world, to enrich themselves, and to create a power that Europe may soon feel; their neutrality enables them to enter into competition with us in every market on the globe, on their own account, whilst we are obliged to employ them as carriers on ours. They have timber very reasonable, and most other stores, within themselves; labour alone is dear, but that by no means counterbalances the other advantages in favour of America."

STARK yet lives, is more than competent to the capture of her "possessions in North America."

I will conclude with briefly noticing one of the very many errors contained in the pamphlet of the "Yankee Farmer."

In pages 36 and 37, he says—"But lastly, we are "to starve her West-India colonies. It is really "astonishing, that men will be found so blinded by "their hatred to Great Britain, as to urge and appear "to believe such absurd notions. *Why did they not "starve during the revolutionary war?* Nova Scotia "then supplied them with little or nothing; *she can "supply them with nearly all they want."*

And what follows? Why, that if Nova Scotia can now supply the British West-Indies with "nearly all they want," the capture of Nova Scotia, in case we are compelled to resort to arms, is of much greater importance than we had imagined, and would really and greatly distress the enemy.

Let me now tell the "Yankee Farmer" that he errs when he says that the British West-Indies were *not* starved during the revolutionary war.

Lord Temple, in his speech in the house of commons, May 22, 1806, on the "American intercourse "bill," says—

"Owing to the interruptions of the intercourse of "the colonies and the United States of America, "during the American war, it had been *ascertained* "that about 15,000 negroes had died *for want*, or "from being improperly fed, in the island of Jamaica "alone, in the course of six years." Cobbett's Parliamentary Debates, Vol. VII. p. 338.

It has then been *ascertained*, that 2,500 negroes had annually perished for want in the island of Jamaica alone, for six years successively.

If Congress, after deliberately taking all things into consideration, should call forth the arm of the country to vindicate its rights, the decision will be cheerfully, unanimously, and nobly supported.

THE END.

PRESIDENT'S MESSAGE.

*To the Senate, and
House of Representatives, of the United States.*

CIRCUMSTANCES, fellow-citizens, which seriously threatened the peace of our country, have made it a duty to convene you at an earlier period than usual. The love of peace so much cherished in the bosom of our citizens, which has so long guided the proceedings of their public councils, and induced forbearance under so many wrongs, may not ensure our continuance in the quiet pursuits of industry. The many injuries and depredations committed on our commerce and navigation upon the high seas, for years past, the successive innovations on those principles of public law, which have been established by the reason and usage of nations, as the rule of their intercourse, and the umpire and security of their rights and peace, and all the circumstances which induced the extraordinary mission to London, are already known to you. The instructions given to our ministers were framed in the sincerest spirit of amity and moderation. They accordingly proceeded, in conformity therewith, to propose arrangements which might embrace and settle all the points in difference between us, which might bring us to a mutual understanding on our neutral and national rights, and provide for a commercial intercourse on conditions of some equality. After long and fruitless endeavours to effect the purposes of their mission, and to obtain arrangements within the limits of their instructions, they concluded to sign such as could be obtained, and to send them for consideration, candidly declaring to the other negotiators, that they were acting against their instructions, and that their government, therefore, could not be pledged for ratification. Some of the articles proposed, might have been admitted on a principle of compromise, but others were too highly disadvantageous, and no sufficient provision was made against the principal source of the irritations

and collisions which were constantly endangering the peace of the two nations. The question, therefore, whether a treaty should be accepted in that form, could have admitted but of one decision, even had no declaration of the other party impaired our confidence in it. Still anxious not to close the door against friendly adjustment, new modifications were framed, and further concessions authorised, than could before have been supposed necessary, and our ministers were instructed to resume their negotiations on these grounds.

On this new reference to amicable discussion, we were reposing in confidence, when on the 22d day of June last, by a formal order from a British admiral, the frigate Chesapeake, leaving her port for a distant service, was attacked by one of those vessels which had been lying in our harbours under the indulgences of hospitality, was disabled from proceeding, had several of her crew killed, and four taken away. On this outrage no commentaries are necessary. Its character has been pronounced by the indignant voice of our citizens with an emphasis and unanimity never exceeded. I immediately by proclamation, interdicted our harbours and waters to all British armed vessels, forbade intercourse with them, and uncertain how far hostilities were intended, and the town of Norfolk indeed being threatened with immediate attack, a sufficient force was ordered for the protection of that place, and such other preparations commenced and pursued as the prospect rendered proper. An armed vessel of the United States was dispatched with instructions to our ministers at London, to call on that government for the satisfaction and security required by the outrage. A very short interval ought now to bring the answer, which shall be communicated to you as soon as received: then also, or as soon after as the public interests shall be found to admit, the unratified treaty and proceedings relative to it, shall be made known to you.

The aggression thus begun, has been continued on the part of the British commanders, by remaining within our waters, in defiance of the authority of the country, by habitual violations of

its jurisdiction, and at length by putting to death one of the persons whom they had forcibly taken from on board the Chesapeake. These aggravations necessarily lead to the policy either of never admitting an armed vessel into our harbours, or of maintaining in every harbour such an armed force as may constrain obedience to the laws, and protect the lives and property of our citizens against their armed guests; but the expense of such a standing force, and its inconsistency with our principles, dispense with those courtesies which would necessarily call for it, and leave us equally free to exclude the navy, as we are the army of a foreign power, from entering our limits.

To former violations of maritime rights, another is now added of very extensive effect. The government of that nation has issued an order interdicting all trade by neutrals between ports not in amity with them, and being now at war with nearly every nation on the Atlantic and Mediterranean seas, our vessels are required to sacrifice their cargoes at the first port they touch, or to return home without the benefit of going to any other market. Under this new law of the ocean, our trade on the Mediterranean has been swept by seizures and condemnations, and that in other seas is threatened with the same fate.

Our differences with Spain remain still unsettled, no measure having been taken on her part, since my last communications to Congress, to bring them to a close. But under a state of things which may favour reconsideration, they have been recently pressed, and an expectation is entertained they may now soon be brought to an issue of some sort. With their subjects on our borders, no new collisions have taken place, nor seem immediately to be apprehended. To our former grounds of complaint has been added a very serious one, as you will see by the decree, a copy of which is now communicated. Whether this decree, which professes to be conformable to that of the French government of November 21, 1806, heretofore communicated to Congress, will also be conformed to that in its construction and application in relation to the United States, had not been ascertained

at the date of our last communications. These, however, gave reason to expect such a conformity.

With the other nations of Europe our harmony has been uninterrupted, and commerce and friendly intercourse have been maintained on their usual footing.

Our peace with the several states on the coast of Barbary appears as firm as at any former period, and as likely to continue as that of any other nation.

Among our Indian neighbours, in the north-western quarter, some fermentation was observed soon after the late occurrences threatening the continuance of our peace. Messages were said to be interchanged, and tokens to be passing, which usually denote a state of restlessness among them, and the character of the agitators pointed to the sources of excitement. Measures were immediately taken for providing against that danger; instructions were given to require explanations, and, with assurances of our continued friendship, to admonish the tribes to remain quiet at home, taking no part in quarrels not belonging to them. As far as we are yet informed, the tribes in our vicinity, who are most advanced in the pursuits of industry, are sincerely disposed to adhere to their friendship with us, and to their peace with all others. While those more remote, do not present appearances sufficiently quiet to justify the intermission of military precaution on our part.

The great tribes on our south-western quarter, much advanced beyond the others in agriculture and household arts, appear tranquil and identify their views with ours in proportion to their advancements. With the whole of these people in every quarter, I shall continue to inculcate peace and friendship with all their neighbours, and perseverance in those occupations and pursuits which will best promote their own well being.

The appropriations of the last session, for the defence of our sea-port towns and harbours, were made under expectations, that a continuance of our peace would permit us to proceed in that work according to our convenience. It has been thought better to apply the sums then given towards the defence of New-York, Charleston and New-Orleans chiefly, as most open and most

likely first to need protection, and to leave places less immediately in danger to the provisions of the present session.

The gun-boats too already provided, have, on a like principle, been chiefly assigned to New-York, New-Orleans and the Chesapeake. Whether our moveable force on the water, so material in aid of the defensive works on the land, should be augmented in this or any other form, is left to the wisdom of the legislature. For the purpose of manning these vessels, in sudden attacks on our harbours, it is a matter for consideration whether the seamen of the United States may not justly be formed into a special militia, to be called on for tours of duty, in defence of the harbours where they happen to be, the ordinary militia of the place furnishing that portion which may consist of landsmen.

The moment our peace was threatened, I deemed it indispensable to secure a greater provision of those articles of military stores, with which our magazines were not sufficiently furnished; to have awaited a previous and special sanction by law, would have lost occasions which might not be retrieved. I did not hesitate, therefore, to authorise engagements for such supplements to our existing stock, as would render it adequate to the emergencies threatening us; and I trust that the legislature, feeling the same anxiety for the safety of our country, so materially advanced by this precaution, will approve when done, what they would have seen so important to be done, if then assembled. Expenses, also unprovided for, arose out of the necessity of calling all our gun-boats into actual service, for the defence of our harbours, of all which accounts will be laid before you.

Whether a regular army is to be raised, and to what extent, must depend on the information so shortly expected. In the mean time, I have called on the states for quotas of militia to be in readiness for present defence; and have, moreover, encouraged the acceptance of volunteers, and I am happy to inform you, that these have offered themselves with great alacrity in every part of the union; they are ordered to be organized, and ready at a moment's warning, to proceed on any service to which they may be called, and every preparation within the

executive powers, has been made to ensure us the benefit of early exertions.

I informed Congress at their last session, of the enterprizes against the public peace, which were believed to be in preparation by Aaron Burr, and his associates, of the measures taken to defeat them, and to bring the offenders to justice. Their enterprizes were happily defeated, by the patriotic exertions of the militia, whenever called into action, by the fidelity of the army; and energy of the commander in chief, in promptly arranging the difficulties presenting themselves on the Sabine, repairing to meet those arising on the Mississippi, and dissipating, before their explosion, plots engendered there. I shall think it my duty to lay before you the proceedings and the evidence publicly exhibited on the arraignment of the principal offenders before the district court of Virginia: you will be enabled to judge whether the defect was in the testimony, in the law, or in the administration of the law; and wherever it shall be found, the legislature alone can apply or originate the remedy. The framers of our constitution certainly supposed they had guarded, as well their government, against destruction by treason, as their citizens against oppression under pretence of it; and if these ends are not attained, it is of importance to inquire by what means more effectually they may be secured.

The accounts of the receipts of revenue during the year ending on the 30th day of September last, being not yet made up, a correct statement will be hereafter transmitted from the treasury: in the mean time it is ascertained that the receipts have amounted to near sixteen millions of dollars, which, with the five millions and a half in the treasury at the beginning of the year, have enabled us, after meeting the current demands, and interest incurred, to pay more than four millions of the principal of our funded debt. These payments, with those of the preceding five and a half years, have extinguished of the funded debt, twenty-five millions and a half of dollars, being the whole which could be paid or purchased within the limits of the law, and of our contracts, and have left us in the treasury eight millions and a half of dollars. A portion of this sum may be considered as a com-

commencement of accumulation of the surplusses of revenue, which, after paying the instalments of debt as they shall become payable, will remain without any specific object. It may partly, indeed, be applied towards compleating the defence of the exposed points of our country, on such a scale as shall be adapted to our principles and circumstances. This object is, doubtless, among the first entitled to attention, in such a state of our finances : and it is one which, whether we have peace or war, will provide security where it is due. Whether what shall remain of this, with the future surplusses may be usefully applied to purposes already authorised, or more usefully to others requiring new authorities, or how otherwise they shall be disposed of, are questions calling for the notice of Congress : unless indeed they shall be superseded by a change in our public relations now awaiting the determination of others. Whatever be that determination, it is a great consolation that it will become known at a moment when the supreme council of the nation is assembled at its post, and ready to give the aids of its wisdom and authority to whatever course the good of our country shall then call on us to pursue.

Matters of minor importance will be the subjects of future communications ; and nothing shall be wanting on my part, which may give information or dispatch to the proceedings of the legislature, in the exercise of their high duties, and at a moment so interesting to the public welfare.

TH : JEFFERSON.

Tuesday, October 27th, 1807.

DOCUMENTS

Accompanying the Message of the President of the United States, to the two Houses of Congress, at the opening of the first session of the tenth Congress.

No. I.

Note communicated by Lord Howick to Mr. Munroe, dated January 10th, 1807.

The undersigned, his majesty's principal secretary of state for foreign affairs, has received his majesty's commands to acquaint Mr. Monroe, that the French government having issued certain orders, which, in violation of the usages of war, purport to prohibit the commerce of all neutral nations with his majesty's dominions, and also to prevent such nations from trading with any other country in any articles, the growth, produce, or manufacture of his majesty's dominions. And the said government having also taken upon itself to declare his majesty's dominions to be in a state of blockade, at a time when the fleets of France and her allies are themselves confined within their own ports, by the superior valour and discipline of the British navy.

Such attempts on the part of the enemy, giving to his majesty an unquestionable right of retaliation, and warranting his majesty in enforcing the same prohibition of all commerce with France, which that power vainly hopes to effect against the commerce of his majesty's subjects, a prohibition which the superiority of his majesty's naval forces might enable him to support, by actually investing the ports and coasts of the enemy with numerous squadrons and cruisers, so as to make the entrance or approach thereto manifestly dangerous.

His majesty, though unwilling to follow the example of his enemies, by proceeding to an extremity so distressing to all nations not engaged in the war, and carrying on their accustomed trade; yet feels himself bound by a due regard to the just defence of the rights and interest of his people, not to suffer such measures to be taken by the enemy, without taking some steps

on his part, to restrain this violence, and to retort upon them the evils of their own injustice. Mr. Munroe is therefore requested to apprise the American consuls and merchants residing in England, that his majesty has therefore judged it expedient to order, that no vessels shall be permitted to trade from one port to another, both which ports shall belong to, or be in possession of France or her allies, or shall be so far under their controul, as British vessels may not freely trade thereat ; and that the commanders of his majesty's ships of war and privateers have been instructed to warn every neutral vessel coming from any such port, and destined to another such port, to discontinue her voyage, and not to proceed to any such port ; and every vessel after being so warned, or any vessel coming from any such port, from a reasonable time shall have been afforded for receiving information of this his majesty's order, which shall be found proceeding to another such port, shall be captured and brought in, and, together with her cargo, shall be condemned as lawful prize : and that from this time, all the measures authorised by the law of nations, and the respective treaties between his majesty and the different neutral powers, will be adopted and executed with respect to vessels attempting to violate the said order after this notice.

HOWICK.

Downing-Street, January 10, 1807.

No. II.

SPANISH DECREE.

TRANSLATION.

By the greatest outrage against humanity, and against policy, Spain was forced by Great Britain to take part in the present war. This power has exercised over the sea and over the commerce of the world, an exclusive dominion. Her numerous factories, disseminated through all countries, are like sponges which imbibe the riches of those countries, without leaving them more than appearances of mercantile liberty. From this maritime and commercial despotism, England derives great resources for carrying on a war, whose object is to destroy the

commerce which belongs to each state from its industry and situation. Experience has proven, that the morality of the British cabinet has no hesitation as to the means, so long as they lead to the accomplishment of its designs ; and whilst this power can continue to enjoy the fruits of its immense traffic, humanity will groan under the weight of a desolating war. To put an end to this, and to attain a solid peace, the emperor of the French and king of Italy issued a decree on the 21st of November last, in which, adopting the principle of reprisals, the blockade of the British isles is determined on ; and his ambassador, his excellency Francis de Beauharnois, grand dignitary of the order of the iron crown, of the legion of honour, &c. &c. having communicated this decree to the king our master, and his majesty being desirous to co-operate by means sanctioned by the rights of reciprocity, has been pleased to authorise his most serene highness the prince generalissimo of the marine, to issue a circular of the following tenor.

As soon as England committed the horrible outrage of intercepting the vessels of the royal marine, insidiously violating the good faith with which peace assures individual property and the rights of nations ; his majesty considered himself in a state of war with that power, although his royal soul suspended the promulgation of the manifesto until he saw the atrocity committed by its seamen, sanctioned by the government of London. From that time, and without the necessity of warning the inhabitants of these kingdoms of the circumspection with which they ought to conduct themselves towards those of a country which disregards the sacred laws of property and the rights of nations ; his majesty made known to his subjects the state of war in which he found himself with that nation. All trade, all commerce is prohibited in such a situation ; and no sentiments ought to be entertained towards such an enemy which are not dictated by honour, avoiding all intercourse which might be considered as the vile effect of avarice, operating on the subjects of a nation which degrades itself by them.

His majesty is well persuaded that such sentiments of honour are rooted in the hearts of his beloved subjects ; but he does not

choose, on that account, to allow the smallest indulgence to the violators of the law, nor permit that, through ignorance, they should be taken by surprize —authorising me by these presents to declare that all English property will be confiscated whenever it is found on board a vessel, although a neutral, if the consignment belongs to Spanish individuals. So likewise will be confiscated all merchandize which may be met with, although it may be in neutral vessels, whenever it is destined for the ports of England or her isles.

And finally his majesty, conforming himself to the ideas of his ally, the emperor of the French, declares in his states the same law, which, from principles of reciprocity and suitable respect, his imperial majesty promulgated under date of the 21st November, 1806.

The execution of this determination of his majesty belongs to the chiefs of provinces, of departments, and of vessels, (baxeles) and communicating it to them in the name of his majesty, I hope they will leave no room for the royal displeasure.

God preserve you many years,

(Signed)

THE PRINCE GENERALISSIMO OF THE MARINE.
Aranjuez, 19th February, 1807.

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